

Schneider, Jana

From: Villa, Clifford
Sent: Friday, May 17, 2013 2:37 PM
To: Fowlow, Jeffrey; Terada, Calvin; Wroble, Julie
Subject: RE: Ashue Road

Categories: janet-foia

Jeff: I certainly don't have any problem with these questions. I'm sort of surprised you don't have more

Clifford J. Villa
Assistant Regional Counsel
U.S. EPA Region 10
desk: (206) 553-1185
cell: (206) 419-2744

From: Fowlow, Jeffrey
Sent: Friday, May 17, 2013 11:41 AM
To: Villa, Clifford; Terada, Calvin; Wroble, Julie
Subject: RE: Ashue Road

Scott called me and we spoke on May 8. I followed up that afternoon with an email detailing what we agreed to including that he "send" Julie and I a list of times he was available to conference with us. As of Friday at 6 pm when I left, he had not called me or Julie or sent any list of available times. There was no message on my office, cell, or home phones.

Moving on.... I would like to send Scott an email with the following questions. Do you think there is any problem with that or should I give him more time?

Is there a date Scott will complete his review of documents and confer with IRS and Fulcrum? Will he share those questions with us so that we can understand the nature of his concerns and why those concerns are necessary to be addressed prior to an assessment?

-----Original Message-----

From: Villa, Clifford
Sent: Friday, May 17, 2013 10:40 AM
To: Terada, Calvin; Fowlow, Jeffrey; Wroble, Julie
Subject: FW: Ashue Road

Please see updates below from attorneys for "Contractors Group," including claim that their consultant Scott tried to reach Jeff last week?

Clifford J. Villa
Assistant Regional Counsel
U.S. EPA Region 10
desk: (206) 553-1185
cell: (206) 419-2744

From: Barry G. Ziker [bziker@jzplaw.com]

Sent: Thursday, May 16, 2013 5:48 PM
To: Villa, Clifford
Cc: John Black; Rick Wetmore; John Ahlers
Subject: RE: Ashue Road

Cliff,

Thanks for your call today. I'm writing to provide an update on the Ashue Road site assessment. As a preliminary matter, please accept my apologies for not keeping you apprised of our progress since our last meeting. I thought that we had accomplished this through contact with Jeff Fowlow, and in fact, I did confirm that Scott Parker reached out to Jeff last week but did not receive a return call. Nevertheless, we will certainly do a better job of keeping you in the loop.

Since the time you and I met, we have taken a number of actions, including the following:

- We formally retained Scott Parker of Argus Pacific to serve as the consultant for Groat Brothers.
- Scott traveled to the Ashue Road site (sometimes referred to as the "Site") and conducted a thorough visual assessment of the Site.
- After his Site visit, Scott confirmed with Jeff Fowlow that he was authorized and directed to work with EPA collaboratively in connection with the Site.
- We have provided to Scott, and he has reviewed, substantial background information regarding the Site and the school project (more on this below).
- Scott spoke with Jeff Fowlow on May 8 about the proposed Site investigation, but it soon became clear that there was a fundamental issue that we believe must be resolved - i.e., our best, current information is that only concrete and river rock were taken from the Wapato school project to the Site. It seems that EPA believes all of the surface materials at the Site are from the school project and this creates a need for a threshold investigation on this issue.
- Following up on their May 8 phone call, Jeff suggested in an email that he, Scott and Julie Wroble discuss the Site late last week or this week. As note above, Scott did return the call to advise that we had some additional steps to complete before meeting, but there was apparently some mix-up as Scott's call was not returned or he did not receive Jeff's message if one was left.
- Based upon the need to correlate materials at the Ashue Road site and their nexus to the school project, Scott initiated an extensive review of documentation from Fulcrum, iRS and the general contractor. We also felt it was critical to bring Fulcrum and iRS actively into the process.
- Scott spoke with Rob Reed from iRS about the project and documentation as part of his investigation.
- We reached agreement on Fulcrum's participation in this process just last week, on May 9.
- It is our belief that Argus Pacific should work with Fulcrum and iRS both with respect to the identification, handling, and disposal of asbestos containing material during the high school demolition project, and regarding assessment at the Site. Scott has,

accordingly, spent time this week reviewing documents and compiling a list of questions and comments for Fulcrum and iRS to clarify some of the information in the documents.

. Scott will meet with Fulcrum and iRS as soon as his review is complete and will reach out to Jeff to meet and discuss this review and the proposed scope of a Site assessment.

I believe that brings us up to date. Nothing in this email or in any other communication is to be deemed an admission of liability.

Please call me if you'd like to discuss this matter further.

Thank you.

Barry

Barry G. Ziker
Joyce Ziker Parkinson, PLLC
1601 Fifth Avenue, Suite 2040
Seattle, WA 98101
Office: (206) 957-5960
Direct: (206) 957-5952
Fax: (206) 957-5961

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From: Villa, Clifford [mailto:Villa.Clifford@epa.gov]
Sent: Monday, April 01, 2013 5:44 PM
To: Barry G. Ziker
Cc: John Black; Rick Wetmore; John Ahlers; joe@yakamanation-olc.org;
paul.mcilrath@co.yakima.wa.us
Subject: RE: Ashue Road

Barry, All:

In response to your request below, EPA is granting your request for a two-week extension in order to submit a draft work plan to address the Ashue Road Asbestos Site. As such, the draft work plan will be due to EPA on April 16, 2013.

Between now and then, let me again encourage the PRP group to have a technical contact get in touch with EPA's On-Scene Coordinator Jeff Fowlow to discuss expectations for the work plan, and perhaps help avoid any undue delay and expense in getting the work plan approved by the agencies. Jeff can be reached by phone at (206) 553-2751 or via email at fowlow.jeffrey@epa.gov<mailto:fowlow.jeffrey@epa.gov>.

Best Regards,

Clifford J. Villa
Assistant Regional Counsel
U.S. EPA Region 10
desk: (206) 553-1185
cell: (206) 419-2744

From: Barry G. Ziker [mailto:bziker@jzplaw.com]
Sent: Monday, April 01, 2013 1:02 PM
To: Villa, Clifford
Cc: John Black; Rick Wetmore
Subject: Ashue Road

Cliff,

Thank you for taking the time to speak with me last Friday regarding the Ashue Road site in Wapato. As discussed during our call, our firm has just recently been engaged as environmental counsel for Groat Brothers, Inc. ("Groat").

Based upon your email dated March 20, 2013 to Rick Wetmore and John Ahlers, EPA has requested a work plan on or before April 2, 2013. As a result of our review of the current status of this matter, and in consultation with Mr. Wetmore's firm and our mutual client, we concluded that there has been insufficient time to allow the parties to fashion a response to EPA. We believe it is in the best interest of the EPA and the PRPs to provide a coordinated response; while the parties have been very actively working towards this end, there has simply been insufficient time to collaborate as a PRP group.

Accordingly, this will confirm our request to extend the date by which EPA seeks a response to April 16, 2013. You indicated that you had the authority to provide a one-week extension, but that you would need to secure additional authority to provide an extension beyond that time period. We appreciate the one-week extension, and do request that the time to respond to your email be deferred for an additional week, for a total of two weeks.

We appreciate your consideration in this matter, and look forward to continuing to work with you and EPA.

Barry

Barry G. Ziker
Joyce Ziker Parkinson, PLLC
1601 Fifth Avenue, Suite 2040
Seattle, WA 98101
Office: (206) 957-5960
Direct: (206) 957-5952
Fax: (206) 957-5961

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